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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/689,190 | 10/20/2003 | Peter John Deacon | GB920020076US1 | 4441 |

7590 06/16/2006

IBM Corp
IP Law, Dept.
90A/9032
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EXAMINER

ASSESSOR, BRIAN J

ART UNIT PAPER NUMBER

2114

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/689,190 | Applicant(s) DEACON ET AL. | |
| | Examiner Brian J. Assessor | Art Unit 2114 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 claims a computer readable medium, which is defined in the specification in paragraph 00034 to include an intangible medium, which includes "microwave, infrared or other transmission techniques". These forms of computer readable medium are forms of energy, therefore are not statutory under 35 U.S.C. 101, proper correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipate by Morimoto (7,016,957).

As per claim 1, Morimoto teaches:

A method in a stacked system for associating errors detected at a user application interface of one or more of a plurality of host systems with root cause errors at a stack level below a virtualization layer, said method comprising the steps of:

detecting an error at a user application interface; (Morimoto column 5, lines 9-13)

identifying an associated root cause error at a lower stack level; (Morimoto column 5, lines 42-44; analysis information is used to determine the cause of the error.)

creating an error trace entry for said error; (Morimoto column 5, lines 39-44)

associating an error log identifier with said error trace entry; (Morimoto)

forming said combined error log identifier and said error trace entry into an error identifier that is unique within said plurality of host systems in said stacked system; (Morimoto column 5, lines 57-59; the trace identifier would be defined by the application being processed when the error occurs and the error identifier would be included in the SYSLOG information)

communicating said error identifier to any requester of a service at a user application interface of one or more of a plurality of host systems when said service failed because of said root cause error. (Morimoto column 8, lines 11-14)

As per claim 2, Morimoto teaches:

The method as claimed in claim 1, wherein the step of making said combined error log identifier and said error trace entry into an error identifier that is unique within said plurality of host systems in said stacked system comprises:

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combining an error trace entry and an error log identifier with an integer value to make an error identifier that is unique within said plurality of host systems. (Morimoto column 8, lines 53-54; the address of the source of the server in error is included in the message header.)

As per claim 3, Morimoto teaches:

The method as claimed in claim 1, wherein the root cause error at a lower stack level is in a peripheral device of said stacked system. (Morimoto figure 1, element 12; the errors occur on servers.)

As per claim 4, Morimoto teaches:

The method as claimed in claim 3, wherein said peripheral device is a storage device. (Morimoto abstract; each server has a storage area.)

As per claim 5, Morimoto teaches:

The method as claimed in claim 1, wherein the stacked system comprises a storage area network. (Morimoto abstract)

Claims 6-10 respectively are apparatus claims corresponding to the method claims 1-5. Therefore, claims 6-10 are rejected under the same rationale set forth in claims 1-5.

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Claim 11 is a computer program product claim corresponding to the method claim 1. Therefore, claim 11 is rejected under the same rationale set forth in claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Assessor whose telephone number is (571) 272-0825. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER